

Appl. No. 10/643,446
 Response dated: October 31, 2005
 Reply to Final Office Action of August 29, 2005

REMARKS

In response to the Office Action dated August 29, 2005, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-7 and 9-13 are pending in the present Application. Claims 1, 2, 7 and 10 are amended and Claims 3, 5, 6 and 13 are canceled, leaving Claims 1, 2, 4, 7 and 9-12 for consideration upon entry of the present amendments and following remarks.

Support for the claim amendments can at least be found in the specification, the figures, and the claims as originally filed. Particularly, support for the Claim 1 amendment is found in canceled Claims 3, 5 and 6, and in paragraphs [0017], [0018] and [0019] of the Specification.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Specification

Guidelines for preferred layout of the specification for a utility application regarding 37 CFR 1.77(b) were suggested by the Examiner in the Action. Applicants herein amend the Specification according to the guideline provided to include "SUMMARY OF THE INVENTION." Applicants note that BACKGROUND OF THE INVENTION was inserted by the 1 June 2005 amendment, BRIEF DESCRIPTION OF THE DRAWINGS was included with the original application and DETAILED DESCRIPTION was inserted by a 19 August 2003 Preliminary Amendment. Therefore, Applicants respectfully submit that the present application meet the guidelines of the preferred layout for the specification of a utility application under 37 CFR 1.77(b).

The Specification is further amended to correct an inadvertent typographical error in paragraph [0018]. Particularly, "narrow sides" has been changed to "longitudinal sides" with respect to the borings. Support for the amendment is at least found in originally filed Figures 4-6

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illustrating the borings 21,22 in the longitudinal sides. Entry of the amendment is respectfully requested.

Claim Rejections - 35 U.S.C. 112

Claim 6 is rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, line 2 of Claim 6 recites "which spans a common end surface and is sealed there." It is contended that it is unclear as to which surface of which element "a common end surface" refers. Claim 6 is canceled, but the "common end surface" limitation is now included in amended Claim 1.

In response, Applicants amend Claim 1 to recite a seal element comprised of a film made of thermoplastic polymer, wherein the seal element spans a common end surface of the joint elements and the ring is sealed there to more clearly set forth the invention. Therefore, Applicants respectfully submit that "a common end surface" recited in Claim 6, line 2 is particularly pointed out and distinctly claimed in conformance to 35 U.S.C. 112, second paragraph. Reconsideration and withdrawal of the relevant rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. 103

Claims 1-7 and 9-13 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent 5,738,352 to Ohkubo et al. (hereinafter "Ohkubo") in view of Moyer, U.S. Patent 6,709,183 (hereinafter "Moyer"). Claims 3, 5, 6 and 13 are hereinabove canceled without prejudice. Applicants respectfully disagree and traverse the rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

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Ohkubo and Meyer do not teach or suggest all of the limitations of at least amended Claim 1. Therefore, Claim 1 is patentably distinct and non-obvious over Ohkubo and Meyer. As Claim 1 is not further rejected or objected, Applicants respectfully submit that Claim 1 is allowable. Reconsideration and allowance of Claim 1 is respectfully requested. Dependent claims inherit all of the limitations of their parent claim. Claims 2, 4, 7 and 9-12 variously depend from Claim 1. Accordingly, Claims 2, 4, 7 and 9-12 are correspondingly allowable as depending upon allowable Claim 1.

Notwithstanding the allowability of Claim 2, it is alleged in the Office Action that regarding Claims 2 and 13, Ohkubo discloses a selector pin is equipped on a part of its circumference with profiling, the profiling comprising longitudinal grooves by top 60 and portions 61A, 62A. Ohkubo discloses Z axis section 6 has thick portions 61A and a thin portion 62A. (Col. 7, lines 49-61.) A coil spring 63A is provided on a stepped difference portion between 61A and 62A. (*Id.*) As best understood by Applicants, the portions 61A and 62A are merely different diameters and are not the longitudinal grooves as claimed. Therefore, Ohkubo does not teach or suggest a selector pin is equipped on a part of its circumference with profiling, the profiling comprising longitudinal grooves. Meyer also does not teach or suggest at least this limitation of the claimed invention.

Claim 2 is amended to include the limitations of Claim 13. Thus, amended Claim 2 is patentably distinct and non-obvious over Ohkubo and Meyer. As Claim 2 is not further rejected or objected, Applicants respectfully submit that Claim 2 is allowable. Reconsideration and allowance of Claim 2 is respectfully further requested.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued.

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If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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